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| EXAMINER |
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NGUYEN, HUY THANH

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2621

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/931,465

Applicant(s)

SAFADI ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi et al (5,999,691).

Regarding claim 2, Takagi discloses a method for recording content using a personal versatile recording apparatus, said personal versatile recording apparatus having a plurality of tuners (Figs. 1,6) , wherein recordable content is individually selectable by each tuner of said plurality of tuners, the method comprising: tuning a first tuner of said plurality of tuners to an original channel to select original channel content for viewing, the original channel being a viewed channel; and caching said original channel content to a cache while presenting said original channel content for viewing (column 9, lines 40-60).

Takagi further teaches tuning a second tuner of said plurality of tuners to at least one subsequent channel to select subsequent channel content for viewing while simultaneously performing said caching step, said subsequent channel replacing said original channel as said viewed channel (Fig. 6).

Regarding claim 3, Takagi further teaches the method of claim 2 further comprising recording said cached original channel content onto a recording medium (Fig. 1 and 6).

Regarding claim 4, Takagi further teaches the method of claim 2 further comprising:
tuning said first tuner to said subsequent channel; and caching said subsequent channel content to said cache while presenting said subsequent channel content for viewing, said subsequent channel becoming said original channel (column 13, line 35 to column 14 line 68, column 15).

Regarding claim 5, Takagi further teaches replacing subsequent channel with said original channel as said viewed channel; retrieving said cached original channel content from said cache; and presenting said retrieved original channel content for viewing (columns 14-15).

Regarding claim 6, Takagi further teaches the retrieved original channel content is said original channel content beginning from the time period when said subsequent channel replaced said original channel as said viewed channel (column 9, lines 40-68, column 14-15).

Regarding claim 7, Takagi further teaches the retrieved original channel content is said original channel content beginning from the time period prior to when said subsequent channel replaced said original channel as said viewed channel (column 9, lines 40-60, columns 14-15).

Regarding claim 8, Takagi further teaches tuning a second tuner of said plurality of tuners to at least one subsequent channel to select subsequent channel content; and storing said original channel content within said cache while storing said subsequent channel content onto a recording medium to simultaneously record said original channel content and said subsequent channel content (column 9, lines 40-68, column 13).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 9 –10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of Kuroda (6,311,011).

Regarding claim 9 , Takagi fails to teaches generating a warning when the cache about full .

Kubota teaches recording apparatus having a cache for storing the program having means for generating warning when a cache about full (column 5, lines 50-67) .

It would have been obvious to one of ordinary skill in the art to modify Takagi with Kuroda by using a generating means as taught by Kuroda with the apparatus of Takagi for generating a warning signal when a cache is about full thereby preventing loosing the information.

Regarding claim 10, Takagi as modified with Kuroda further teaches manually selecting the size of said cache (See Kuroda column 5, lines 60-67) .

Regarding claim 14, Takagi as modified with Kuroda further annotating said original channel content; and recording said annotated original channel content on a recording medium (See Kuroda Fig. 22, column 5) .

Regarding claim 15, Takagi as modified with Kuroda further teaches managing said recorded original channel content, said step of managing includes one of: searching for said recorded original channel content, finding said recorded original channel content, replacing said recorded original channel content, sorting said recorded original channel content, and listing said recorded original channel content (See Kuroda column 7, line 50 to column 8, line 5, column 11, lines 33-45) .

Regarding claim 16; Takagi as modified with Kuroda further teaches an electronic programming guide searches said original channel content using one of, a

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channel name, a parameter specified by the user and an annotation contained within said original channel content (column 7, lines 50-57, column 11, lines 40-45).

Regarding claim 17, Takagi as modified with Kuroda further teaches a smart agent searches said original channel content using one of, a channel name, a parameter specified by the user and an annotation descriptive of said original channel content (column 7, lines 50-57, column 11, lines 45-547).

4. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of Kuroda (6,311,011) as applied to claim 1 above, further in view of Isaka ((5,706,388).

Regarding claims 11-13, Takagi as modified with Kuroda further teaches transferring the content from a cache to a recording medium when the cache becomes full. See Kuroda column 5, lines 25-65).

Takagi as modified with Kuroda fails to teach that the apparatus further receiving a telephone call as recited in claims 11-13. Isaka teaches a recording apparatus having means for receiving a telephony call (column 3, lines 50-68).

It would have been obvious to one of ordinary skill in the art to modify Takagi as modified with Kuroda with Isaka by providing the apparatus of Takagi with a receiving means as taught by Isaka for receiving telephony calls thereby enhancing the capacity of the apparatus of Takagi for receiving the signals from additional sources. Receiving.

Further for claims 12 and 13 , Takagi as modified with Isaka teaches the telephony call is a voice telephony call or a video telephony call (See Isaka column 3, lines 50-67).

5. Claims 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of Kuroda (6,311,011) and Timmermans (5,633,726).

Regarding claim 18, Takagi as modified with Kuroda further teaches selecting a channel for displaying (See Kuroda, column 11, lines 40-45) but fails to teaches selecting a frame for graphically manipulating .

Timmermans disclose a recording apparatus having means for selecting a frame (a picture) fro graphically manipulating by enlarging the frame , cropping and bordering the frame and storing the frame (column 23, line 25 to column 24, line 10-55) .

It would have been obvious to one of ordinary skill in the art to modify Takagi as modified with Kuroda with Timmermans by using a control means as taught by Timmermans for selecting a frame , graphically manipulating the selected frame and storing the frame on a medium thereby enhancing the capacity of the apparatus of Takagi as modified with Kuroda in editing the stored information,

Regarding claim 19, Takagi as modified with Kuroda and Timmermans further teaches 18 recording said selected frame onto a recording medium (See Timmermans column 24, lines 1-10).

Regarding claim 20, Takagi further teaches recording said manipulated frame onto a recording medium (See Timmermans, column 24, lines 1-10).

Regarding claim 21, Takagi as modified with Kuroda and Timmermans further teaches the step of manipulating includes one of enlarging said selected frame; cropping a portion of the selected frame by placing a border around a selected portion of said selected frame and storing said cropped portion of the selected frame; and enlarging a portion of said selected frame enclosed by said border (Fig. 26-29).

Regarding claim 22, Takagi as modified with Kuroda and Timmermans recording said cropped portion of the selected frame onto a recording medium (column 24, lines 1-10).

Regarding claim 23, Takagi as modified with Kuroda and Timmermans further teaches recording said recordable content onto a recording medium; reproducing said recorded content; selecting a frame of said reproduced content for graphic manipulation; and graphically manipulating said selected frame (column 23, lines 5-33, Figs. 26-29).

Regarding claim 24, Takagi as modified with Kuroda and Timmermans further teaches recording said selected frame onto a recording medium (column 23, lines 5-33).

Regarding claim 25, Takagi as modified with Kuroda and Timmermans further teaches recording said manipulated frame onto a recording medium (column 23, lines 5-33, column 24 lines 1-10).

Regarding claim 26, Takagi as modified with Kuroda and Timmermans further teaches the step of manipulating includes one of

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enlarging said selected frame;

cropping a portion of the selected frame by placing a border around a selected portion of said selected frame and storing said cropped portion of the selected frame; and enlarging a portion of said selected frame enclosed by said border (Figs. 18, 26-39) .

Regarding claim 27, Takagi as modified with Kuroda and Timmermans further teaches recording said cropped portion of the selected frame onto a recording medium (column 23, lines 5-33, column 24, lines 1-10).

Response to Arguments

6. Applicant's arguments filed 17 November 2006 have been fully considered but they are not persuasive.

Applicant argues that Takagi do not teaches viewing the subsequent channel while simultaneously perform the caching step. In response the examiner disagrees . It is noted that At Fig. 6 Takagi teaches a recording system having a plurality of tuners and a controller for controlling the tuners and recorder for selectively receiving different video signals from the tuners for viewing and recording simultaneously. Takagi further teaches recording a selected video signal from a tuner that not being watched for later viewing in order to prevent a program or a channel from missing viewing . Since the system of Takagi has capacity of selecting different video signals from a plurality of tuners for viewing and recording under viewer operation , Takagi teaches selecting a subsequent channel for viewing and recording a original selected channel for later viewing . Applicant further agues that Takagi fails to teaches "caching original channel content while viewing subsequent

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channel content." In response , it is noted that applicant argument has not been clearly recited in the claim .

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi discloses a recording apparatus for simultaneously recording and viewing different channels . Browne et al teaches a recording apparatus for recording and viewing different channels from different sources .

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

HUY NGUYEN
PATENT EXAMINER